

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

PERCY GREEN, II,

Plaintiff,

v.

STATE OF MISSOURI, OPERATING
AS THE ST. LOUIS, MISSOURI
POLICE DEPARTMENT, et al.,

Defendants.

No. 4:06CV1667RWS

MEMORANDUM AND ORDER

This lawsuit was filed more than three years ago, on November 17, 2006. After more than two and a half years of discovery and four amended complaints, the parties agreed it was time to wrap up discovery and set a trial date. On October 22, 2009, I entered a Case Management Order requiring the completion of all discovery no later than November 2, 2009 and requiring all motions to compel be filed no later than November 9, 2009.

When Defendants requested an extension of the discovery deadline past November 2, 2009, their request was denied. On November 24, 2009, however, I granted Green's motion to consider a motion filed one day late (on November 10, 2009) as timely because it was clear from the docket sheet that Green had

attempted to file a motion to compel on November 9, 2009, but had computer difficulties.

A hearing on all pending discovery motions was held on November 30, 2009. At that time, Green's counsel indicated he was unhappy with Defendant St. Louis Board of Police Commissioners' answers to interrogatories that were served by mail on Green. Because no motion to compel had been filed, the Court did not address the issue.

On December 1, 2009, Green filed a motion for an extension of time of three days to move to compel discovery as to Defendant St. Louis Board of Police Commissioners' Second Supplemental Objections and Answers to Plaintiff's Interrogatories. Green stated that the request was made "because of the computer malfunction in the office of Plaintiff's Attorney Robert Reinhold." Defendant St. Louis Board of Police Commissioners objects to Green's motion for an extension of time and his motion to compel on the grounds that the motions are untimely, not in conformance with the Local Rules, and the information Green seeks in his motion to compel is not information previously sought by any interrogatory.

I have reviewed the motions and memoranda and conclude that no extension should be granted. Numerous hearings on discovery matters have been held in this matter and Green has not presented sufficient justification for extending the

previously agreed upon deadlines. As a result, I will deny Green's motion to compel as having been untimely filed.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff Percy Green, II's motion for an extension of time to file a motion to compel [#232] is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff Percy Green, II's motion to compel [#233] is **DENIED**.

Dated this 15th Day of December, 2009.

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE